

REMARKS

Claims 1-8, 10-23 and 25-31 were pending and rejected in the Office Action mailed on October 1, 2009 (“the Action”) and remain rejected. In this response, claims 1, 3-4, 8, 12, 15, 19-20 and 26-30 have been amended. No new matter has been introduced. Claims 1-8, 10-23 and 25-31 are now pending. Reconsideration of the application is respectfully requested.

Cited Art

The Action cited Block, U.S. Patent No. 7,200,852 (hereinafter “Block”); Lewis et al., U.S. Patent No. 6,385,388 (hereinafter “Lewis”); and DirecTV, Inc. (hereinafter “DireTV”).

Rejections Under 35 U.S.C. § 112

The Action rejected claims 1-8, 10-23, and 25-31 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. [See, Action, at pages 2 and 3.] In particular, the Action argued that under the previously-pending claim language, “Applicant has not positively claimed whether it is the intent of the applicant to prevent protected segments from being properly displayed, or applicant’s claimed invention actually prevents the protected segment from being properly displayed by modifying blocks of video data” [*Id.*, at page 3, second paragraph.]

Applicants respectfully disagree that the claim language as previously pending was indefinite. However, for the purposes of expediting prosecution of the claims, Applicants have amended independent claims 1, 3, 12, 19, 26, and 28 to clarify the claim language. For example, claim 1, as amended, recites, in part:

protecting the segments of the set, but not other segments of the group which are not in the set, by *modifying blocks of video data contained in the protected segments such that the receiving device will not properly display the protected segments on a display device unless the receiving device undoes the protection with assistance of a correct key that is not generally available and is based at least in part on the associated identifier, including the processor number for the receiving device*

[Emphasis added.] Applicants believe that, with these amendments, independent claims 1, 3, 12, 19, 26, and 28 are allowable under 35 U.S.C. § 112, as are their dependent claims. Applicants also respectfully note that independent claim 30 did not recite language similar to that discussed in the § 112 rejection, and therefore should be allowable under § 112 without similar amendment, as should dependent claim 31. Applicants respectfully request that the rejection of claims 1-8, 10-23, and 25-31 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 103

The Action rejected claims 1-8, 10-23 and 25-31 under 35 U.S.C. § 103(a) as being unpatentable over Block in view of Lewis and further in view of DirecTV. Applicants respectfully submit the claims in their present form are allowable over the cited references. The cited references do not teach or suggest at least one recitation of each of these claims. Accordingly, Applicants request that all rejections be withdrawn. Claims 1, 3, 12, 19, 26, 28, and 30 are independent.

Claim 1

Claim 1 recites, in part:

protecting the segments of the set . . . by modifying blocks of video data contained in the protected segments such that the receiving device will not properly display the protected segments on a display device unless the receiving device undoes the protection with assistance of a correct key that is not generally available

[Emphasis added.] The Application gives examples of modifying blocks of video data in order to effect protection of segments in its discussion of bit encryption and visually scrambling video blocks. [See, Application, at page 12, line 20 to page 22, line 22.] For example, at pages 15-16, the Application describes modification of data in video blocks, in this case through altering video coefficients, in order to protect segments:

In some embodiments, scrambling mechanism 244 alters some coefficients of at least some blocks (e.g., in MPEG macroblocks) of the bitstream. Coefficients are an example of data to be altered in scrambling. . . . In the particular embodiment of FIG. 12, a strength parameter mechanism 248 selects some or all of the coefficients of an MPEG macroblock to be available for altering; but they

are not necessarily altered. . . . Responsive to a key, coefficient selection mechanism 246 selects some of the available coefficients to be altered by scrambling mechanism 244. . . .

In some embodiments, the coefficients are altered by inverting the sign of selected coefficients. Descrambling can be performed by inverting the signs of the same coefficients to obtain the original values of the coefficients.

[Application, at page 15, line 23 to page 16, line 6; emphasis added.] In its rejection of the above-emphasized language of claim 1, the Action cites only to “[Block/Lewis]” without providing a more specific citation for the rejection. [Action, at page 5, third paragraph.] As such, Applicants cannot be certain which particular disclosure in Block and Lewis was cited against the language of the claim. Nonetheless, Applicants respectfully note that Applicants fail to find any relevant disclosure in either the cited references for teaching this language, and therefore respectfully suggest that the rejection should be withdrawn.

Block’s labeling system teaches only the attachment of labels to “block” signals, and does not teach modification of blocks of video data as recited in claim 1. Block is directed to a “method and apparatus for information labeling and control.” [Block at Abstract.] In particular, Block uses “content labels which separately and continuously identify the audio, video, and data content of the program signal” and then “compares” labels to “block or substitute alternative audio, video, or data for offensive portions of a program signal.” [*Id.*] Examples of the labels, which generally consist of text fields and numbers representing percentages of offensive content, can be seen at Tables 1 and 2 of Block. [See, Block, at column 6, line 47, to column 8, line 45.]

Applicants respectfully note that Block’s addition of labels containing text and numerical values does not teach “modifying blocks of video data contained in the protected segments such that the receiving device will not properly display the protected segments on a display device unless the receiving device undoes the protection” as recited in claim 1. In particular, Applicants fail to find any “modif[ication of] blocks of video data” in Block’s descriptions of its labels. Indeed, Applicants believe that Block fails entirely to discuss blocks of video data, and in particular does not appear to discuss modification of such blocks of video data.

Indeed, Applicants note that, rather than modify video data, in addition to its “labels,” Block teaches the generation of sound-covering “bleeps” or video-covering rectangles to censor offensive content. Descriptions of these audio and video masks can be found, for example, at

column 8, line 60 to column 9, line 36 of Block. Applicants note that these masks are not themselves added to the original video and audio content, but are instead applied over top of the content thought to be offensive at a viewer station. [See, Block at column 9, lines 3-15.] Thus, even when the techniques of Block are used to affect content seen or heard by a viewer, they choose to do so through these masks, rather than through modification of the actual video or audio data. Block thus appears to actively teach away from “modif[ication of] blocks of video data” as recited in claim 1.

Lewis’s DVD processing system, which simply branches away from protected scenes, does not teach or suggest the modification of blocks of video data as recited in claim 1. Applicants note that the previous Amendment filed July 17, 2009, argued that Lewis does not teach “modif[ication of] blocks of video data” as recited in the claims. [See, Applicants’ Amendment of July 17, 2009, at pages 10-12.] As the current rejection appears to maintain the rejection over Lewis as well as Block, and because the pending claim language is allowable over Lewis for the same reasons as presented in the previous amendment, Applicants will reiterate their previous arguments herein.

Lewis teaches using program chains to protect content by *branching around* protected content, rather than modification of video data:

Different versions of a video title set, corresponding to different parental control ratings, may be provided by the disc author to enable disc player 24 to seamlessly branch between various scenes to provide multiple playback sequences for a particular video title set. By setting the user selected parental rating to a low level, objectionable scenes may be skipped over for younger viewers, while an unedited version of the program may be viewed by older viewers by setting the user selected parental rating to a higher level. The seamless branching is achieved by linking and displaying the desired cells, programs and program chains as desired. FIGS. 8 a-b illustrate a single playback sequence and a multiple playback sequence provided by seamlessly branching between groups of program chains. In FIG. 8 a, the disc only provides for a single playback sequence which comprises program chain #1, wherein the playback proceeds in one continuous sequence. In FIG. 8 b, multiple playback sequences are provided, wherein a G-rated sequence would follow program chains 1, 2, 4 and 7, while a PG-rated playback sequence would follow program chains 1, 3, 5 and 8, and an R-rated playback sequence would follow program chains 1, 3, 6 and 9.

[Lewis, at column 5, line 58 to column 6, line 12; emphasis added.]

As the cited portion of Lewis demonstrates, the branching technique Lewis uses simply skips over content in order to protect it. Additionally, the passage demonstrates that this skipping is done via sequence-level information, rather than at the level of actual blocks of video data. Applicants fail to identify any discussion, either in the above-quoted passage or elsewhere in Lewis, of modification of blocks of video data.

Applicants also note that, while the Action discussed the “visual scrambling” language of claims 2 and 13, it does not point to any particular passage of Block or Lewis for this “visual scrambling” language. And, as discussed above, neither Block nor Lewis appears to teach any techniques for modification of video data, let alone video scrambling.

Furthermore, Applicants respectfully argue that Lewis *cannot* be combined with a reference which teaches modification of video data, as Lewis teaches away from such a combination. As discussed above, Lewis is focused on “branching between groups of program chains.” [Lewis, at column 6, lines 3-4.] This is supported by Lewis’ later description of applying its parental control feature to unrated discs:

As noted above, the present invention recognizes the parental control feature described above does not apply when a disc or a video title set is unrated or does not have a parental rating associated with it. The present invention further recognizes that a user may wish to apply the parental control feature to unrated discs or video title sets thereby preventing playback of such discs or video title sets. As such, disc player 24 provides a user with the option of locking disc player 24 with respect to unrated discs or video title sets. . . . Once the unrated disc lockout feature is selected, the control system of disc player 24 establishes a system control condition which automatically locks, or prevents playback, of all discs or video title sets which do not have a parental rating associated with it.

[Lewis, at column 6, lines 27-48.] Thus, Lewis teaches the desirability of applying its control techniques after video data has been burned to a DVD. Lewis thus demonstrates the applicability of its techniques to a situation where video data, at least at a block level, can no longer be modified. Applicants respectfully contend that Lewis thus teaches the desirability of protecting unmodifiable video content, and thus teaches away from the “modif[y]ing” language of the claim recited above.

For at least these reasons, neither Block nor Lewis, taken either separately or in combination, do not teach at least one element of claim 1. Applicants do not find relevant

disclosure in DirecTV, either. Therefore, Block, Lewis, and DirecTV, taken either separately or in combination, do not teach at least one element of claim 1. Claim 1, as well as claims 2, 5-7, 10, and 11, which depend from claim 1, are thus allowable over the cited references. Applicants will not belabor the merits of the separate allowability of dependent claims 2, 5-7, 10, and 11. Applicants respectfully request that the rejection of claims 1, 2, 5-7, 10 and 11 under 35 U.S.C. § 103(a), be withdrawn and that the claims be allowed.

Claim 3

Claim 3, as amended, recites, in part:

protecting the segments of the set . . . by modifying blocks of video data contained in the protected segments such that an intended receiving device will not properly display the protected segments unless the intended receiving device undoes the protection with assistance of a correct key that is not generally available

For at least the reasons discussed above with regard to the rejection of claim 1, Block, Lewis, and DirecTV, taken either separately or in combination, do not teach at least the above-quoted language of claim 3. Claim 3, as well as claims 4 and 8, which depend from claim 3, are thus allowable over the cited references. Applicants will not belabor the merits of the separate allowability of dependent claims 4 and 8. Applicants respectfully request that the rejection of claims 3, 4, and 8 be withdrawn and that the claims be allowed.

Claim 12

Claim 12, as amended, recites, in part:

accessing over a network a group of segments of video content . . . wherein the segments in the set . . . have been protected by having blocks of video data in the segments modified such that a receiving device will not properly reproduce the protected segments unless the receiving device undoes the protection with assistance of a correct key that is not generally available and is based at least in part on the processor number

For at least the reasons discussed above with regard to the rejection of claim 1, Block, Lewis, and DirecTV, taken either separately or in combination, do not teach at least the above-quoted language of claim 12. Claim 12, as well as claims 13-18, which depend from claim 12, are thus allowable over the cited references. Applicants will not belabor the merits of the separate

allowability of dependent claims 13-18. Applicants respectfully request that the rejection of claims 12-18 be withdrawn and that the claims be allowed.

Claim 19

Claim 19, as amended, recites, in part:

 circuitry and software also configured to protect the set of selected segments, . . . by modifying blocks of video data within the selected segments, such that access is allowed to the unprotected segments over a network but the receiving device will not properly display the protected segments after access over the network unless the receiving device undoes the protection by restoring the original blocks of video data with assistance of a correct key that is not generally available

For at least the reasons discussed above with regard to the rejection of claim 1, Block, Lewis, and DirecTV, taken either separately or in combination, do not teach at least the above-quoted language of claim 19. Claim 19, as well as claims 20-23 and 25, which depend from claim 19, are thus allowable over the cited references. Applicants will not belabor the merits of the separate allowability of dependent claims 20-23 and 25. Applicants respectfully request that the rejection of claims 19-23 and 25 be withdrawn and that the claims be allowed.

Claim 26

Claim 26, as amended, recites, in part:

 protect the segments of the selected set . . . by modifying blocks of video data such that a receiving device will not properly reproduce the protected segments unless the receiving device undoes the protection with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on a processor number for a receiving device. . . .

For at least the reasons discussed above with regard to the rejection of claim 1, Block, Lewis, and DirecTV, taken either separately or in combination, do not teach at least the above-quoted language of claim 26. Claim 26, as well as claim 27, which depends from claim 26, are thus allowable over the cited references. Applicants will not belabor the merits of the separate allowability of dependent claim 27. Applicants respectfully request that the rejection of claims 26 and 27 be withdrawn and that the claims be allowed.

Claim 28

Claim 28, as amended, recites, in part:

access over a network a group of segments of content including a set of segments that does not include all segments of the group, and wherein segments in the set . . . have been protected by modification of blocks of video data in the segments such that a receiving device will not properly reproduce the protected segments without the receiving device undoing the protection with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on a processor number for a receiving device for the content

For at least the reasons discussed above with regard to the rejection of claim 1, Block, Lewis, and DirecTV, taken either separately or in combination, do not teach at least the above-quoted language of claim 28. Claim 28, as well as claim 29, which depends from claim 28, are thus allowable over the cited references. Applicants will not belabor the merits of the separate allowability of dependent claim 29. Applicants respectfully request that the rejection of claims 28 and 29 be withdrawn and that the claims be allowed.

Claim 30

Claim 30, as amended, recites, in part:

protecting the segments of the set through visual scrambling determined based at least in part on the associated identifier, wherein the visual scrambling comprises modifying coefficients of video blocks within the protected segments

For at least the reasons discussed above with regard to the rejection of claim 1, Block, Lewis, and DirecTV, taken either separately or in combination, do not teach at least the above-quoted language of claim 30. Claim 30, as well as claim 31, which depends from claim 30, are thus allowable over the cited references. Applicants will not belabor the merits of the separate allowability of dependent claim 31. Applicants respectfully request that the rejection of claims 30 and 31 be withdrawn and that the claims be allowed.

Conclusion

Applicant submits that all pending claims in the present application are in condition for allowance. A Notice of Allowance is respectfully requested.

If there are any questions, the Examiner is invited to contact the undersigned at (503) 796-2446. Also, the Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

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